



FEDERAL MARITIME COMMISSION

Privacy Act of 1974; Systems of Records

AGENCY: Federal Maritime Commission.

ACTION: Notice to modify systems of records and republication.

SUMMARY: The Federal Maritime Commission proposes to update a number of Privacy Act Systems of Records in its existing inventory of record systems subject to the Privacy Act of 1974, as amended, and to republish the Commission's complete Systems of Records.

DATES: Written Comments must be received no later than **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. The amendments will become effective as proposed on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** unless the Commission receives comments that would result in a contrary determination.

ADDRESSES: You may submit written comments to:

Karen V. Gregory, Secretary
Federal Maritime Commission
800 N. Capitol Street, N.W.
Washington, D.C. 20573-0001
Secretary@fmc.gov

Or email comments to: Secretary@FMC.gov (email Comments as an attachment in MS Word or PDF). Include in the Subject Line: "Comments on Systems of Records Notice"

FOR FURTHER INFORMATION CONTACT:

Karen V. Gregory, Secretary
Federal Maritime Commission
800 N. Capitol Street, N.W.
Washington, D.C. 20573-0001
(202) 523-5725
Secretary@fmc.gov

SUPPLEMENTARY INFORMATION:

The Federal Maritime Commission's (FMC) notices for system of records subject to the

Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the Federal Register and are available from the Secretary, Federal Maritime Commission, or from the FMC's website at [FMC Systems of Records Based on Privacy Act Issuances](#). Notice is given that, pursuant to the Privacy Act of 1974, 5 U.S.C. 552a, the Federal Maritime Commission proposes to revise its current inventory of Systems of Records (SOR) and to republish the FMC's complete SOR.

FMC-8 maintains records information related to the Official Personnel Folder. The Privacy Act notice is being updated to reflect the current System Name and automation of the files in this system.

FMC-18 maintains records information related to Travel Orders/Vouchers File. The Privacy Act notice is being updated to reflect the current office name for the system location and system manager.

FMC-22 maintains records or individuals involved in official investigations conducted by the agency. The Privacy Act notice is being updated to reflect the current system location, individuals covered by the system, records in the system, authority for maintenance of the system, safeguards, retention and disposal, and record source.

FMC-24 maintains records information related to Informal Inquiries and Complaints Files. The Privacy Act notice is being updated to reflect the current system location, individuals covered by the system, routine uses of records maintained in the system, the system manager and address, and record source.

FMC-31 maintains records information related to Debt Collection Files. The Privacy Act notice is being updated to reflect the current system location, system manager and address.

FMC-34 maintains records information related to the Travel Charge Card Program. The Privacy Act notice is being updated to reflect the system location.

Accordingly, the Commission's complete Systems of Records inventory, inclusive of the above listed changes is published in its entirety below.

FEDERAL MARITIME COMMISSION
SYSTEMS OF RECORDS

FMC-1	Personnel Security File
FMC-2	Non-Attorney Practitioner File
FMC-7	Licensed Ocean Transportation Intermediaries Files (Form FMC-18)
FMC-8	Official Personnel Folder
FMC-9	Training Program Records
FMC-10	Desk Audit File
FMC-14	Medical Examination File
FMC-16	Classification Appeals File
FMC-18	Travel Orders/Vouchers File
FMC-19	Financial Disclosure Reports and Other Ethics Program Records
FMC-22	Records Tracking System
FMC-24	Informal Inquiries and Complaints Files
FMC-25	Inspector General File
FMC-26	Administrative Grievance File
FMC-28	Equal Employment Opportunity Complaints File
FMC-29	Employee Performance File System Records
FMC-31	Debt Collection Files
FMC-32	Regulated Persons Index
FMC-33	Payroll/Personnel System
FMC-34	Travel Charge Card Program

FMC-35	Transit Benefits File
FMC-36	SmartPay Purchase Charge Card Program

FMC-1

System name:

Personnel Security File-FMC.

Security Classification:

Unclassified.

System location:

Office of Human Resources, Federal Maritime Commission, 800 N. Capitol Street, N.W.,
Washington, D.C. 20573-0001.

Categories of individuals covered by the system:

1. Employees of the Federal Maritime Commission.
2. Applicants for employment with the Federal Maritime Commission.

Categories of records in the system:

Results of name checks, inquiries, and investigations to determine suitability for employment with the U.S. Government, and for access to classified information, position sensitivity designation, and record of security clearance issued, if any.

Authority for maintenance of the system:

Executive Orders 10450, 12958, and 12968.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system of records are used or may be used:

1. By Commission officials to determine suitability for employment of an applicant or

retention of a current employee and to make a determination that the employment of an applicant or retention of a current employee within the Commission is clearly consistent with the interests of national security.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee or the issuance of a security clearance.

4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. By a court of law or appropriate administrative board or hearing having review or oversight authority.

6. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the

suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in a combination safe in the custody of the Information Security Officer, and access is limited to the Information Security Officer and the Personnel Security Officer and his/her duly authorized representatives.

Retention and disposal:

Maintain Office of Personnel Management reports of investigation and other FMC records on file until termination of employee from agency. Destroy within 30 days after employee leaves the agency.

System manager(s) and address:

Information Security Officer, Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Office of Personnel Management report, and reports from other Federal agencies.

Systems exempted from certain provisions of the Act:

All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is required to honor promises of confidentiality.

FMC-2

System name:

Non-Attorney Practitioner File-FMC.

System Classification

Unclassified.

System location:

Office of Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W.,
Washington, DC 20573-0001.

Categories of individuals covered by the system:

Persons, who are not attorneys, who apply for permission to practice before the Commission.

Categories of records in the system:

Application forms containing descriptions of educational and professional experience and qualifications, taxpayer identification numbers (which may be the social security number), and letters of reference in relation to non-attorney practitioners.

Authority for maintenance of the system:

46 CFR 502.27.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in this system of records are used or may be used:

1. By personnel of the Secretary's Office to determine whether a non-attorney should be admitted to practice before the Commission.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

3. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

5. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the

system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Physical records are maintained in file folders in a limited access location. Electronic records are maintained within the confines of FMC-39, FMC General Support System (FMC GSS).

Retrievability:

Physical records are indexed alphabetically by name. Electronic records are retrievable by name, address, company, application date, admission date, or card number.

Safeguards:

Physical records are maintained in file cabinets under the control of personnel in the Secretary's office. Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS).

Retention and disposal:

Records are maintained in the Office of the Secretary for 10 years after applicant ceases to practice and then are transferred to the Federal Records Center. Records are destroyed 20 years thereafter.

System manager(s) and address:

Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington,

DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary,
Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Applicants.

FMC-7

System name:

Licensed Ocean Transportation Intermediaries Files (Form FMC-18).

Security Classification:

Unclassified.

System location:

Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Records are maintained on individuals, including sole proprietorships, members of

partnerships, and officers and owners of corporate licensees, managers and owners of limited liability companies, ex-licensees, and applicants for licenses.

Categories of records in the system:

The System contains ocean transportation intermediaries (OTIs) names, addresses and taxpayer identification numbers (which may be the Social Security Numbers), as well as the names, addresses, and Social Security Numbers (or alternatively, driver's license numbers, passport numbers or alien registration numbers) of the stockholders, officers, and directors of individual OTIs; descriptions of the relationships the OTI may have with other business entities; corporate organizational documents and business licenses; a record of the OTI's past experience in providing or procuring ocean transportation services; surety bond information with respect to licensed OTIs; and any financial information and/or criminal convictions pertinent to the licensing of the OTIs. Under the Shipping Act of 1984, OTIs may operate as an ocean freight forwarder, a non-vessel-operating common carrier, or both.

Authority for maintenance of the system:

5 U.S.C. 553; secs. 3, 8, 10, 11, 13, 15, 17 and 19, Shipping Act of 1984 (recodified October 2006 as 46 U.S.C. 305, 40102, 40104, 40501-40503, 40901-40904, 41101-41109, 41302-41303, and 41305).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information contained in these records may be disclosed as follows:

1. By Commission staff for evaluation of applicants for licensing.
2. By Commission staff for monitoring the activities of licensees to ensure they are in compliance with Commission regulations.
3. To refer, where there is an indication of a violation or potential violation of law whether civil, criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or

charged with enforcing or implementing the statute and the rules, regulations, or orders issued pursuant thereto.

4. To request from a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information, data relevant to a Commission decision concerning the issuance of a license.

5. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee previously employed by a licensee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

6. To provide or update information maintained in the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment/International Trade Data System (ACE/ITDS) to verify licensed or registered status of OTIs under Trade Act of 2002 and related CBP requirements, or any other successor agency or organization.

7. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Physical records are maintained in file folders in a limited access location. Electronic records are maintained within the confines of FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retrievability:

Records are indexed by name and license or organization number.

Safeguards:

Physical records are maintained in an area of restricted accessibility. Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retention and disposal:

Applicant and licensee files are kept as long as the application and/or license are active. Files for withdrawn and denied applications, as well as revoked and surrendered licenses are retained for ten years after final action. Thereafter, such files are destroyed in accordance with the Federal Maritime Commission Records Disposition Schedule (Revised June 2010).

System manager(s) and address:

Director, Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Request may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the

above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

1. Information submitted by applicants and licensees.
2. Information submitted by Commission Area Representatives.
3. Information submitted by the general public (e.g., through comments or complaints).
4. Information submitted by surety companies.
5. Information obtained through Internet Web site searches and selected commercial and government database searches conducted by Bureau of Certification and Licensing staff in processing OTI license applications (e.g., Accurint and Dun & Bradstreet).

Systems exempted from certain provisions of the Act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

FMC-8

System name:

Official Personnel Folder and Electronic Official Personnel Folder (eOPF)-FMC.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

This system is covered by the Office of Personnel Management's government-wide

system notice, OPM/GOVT-1.

FMC-9

System name:

Training Program Records-FMC.

System location:

Office of Human Resources, Federal Maritime Commission, 800 N. Capitol Street, N.W.,
Washington, D.C. 20573-0001.

This system is covered by the Office of Personnel Management's government-wide
system notice, OPM/GOVT-1.

FMC-10

System name:

Desk Audit File-FMC.

Security Classification:

Unclassified.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street,
N.W., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Current and former employees of the Federal Maritime Commission.

Categories of records in the system:

Each record consists of the position classification specialist's notes of conversations,
evaluation reports, background papers, and/or research material used to support the final

position classification.

Authority for maintenance of the system:

44 U.S.C. 3101 et seq., 5 U.S.C. 1302 and the regulations issued pursuant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used:

1. By Commission officials to support decisions on the proper classification of a position.
2. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.
3. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.
4. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.
5. By the Office of Personnel Management in the course of an investigation, or evaluating for statistical or management analysis purposes.
6. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the

suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are maintained in locked file cabinets.

Retention and disposal:

Records are maintained as long as the position audited remains essential, current, and accurate, after which they are destroyed.

System manager(s) and address:

Director of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in

section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Human Resources Specialists of the Commission.

FMC-14

System name:

Medical Examination File-FMC.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-10.

FMC-16

System name:

Classification Appeals File-FMC.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street,

N.W., Washington, DC 20573-0001.

Note: This system is covered by the Office of Personnel Management's government-wide system notice, OPM/GOVT-9.

FMC-18

System name:

Travel Orders/Vouchers File-FMC.

Security Classification:

Unclassified.

System location:

Office of Budget and Finance, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Employees of the Federal Maritime Commission.

Categories of records in the system:

The record consists of the initial travel order for the individual and the subsequent travel voucher prepared from information supplied by the individual which includes hotel bills, subsistence breakdown, cab fares and air fares.

Authority for maintenance of the system:

Federal Travel Regulation, 41 CFR parts 301-304.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Records in this system of records are used or may be used:

1. By the Commission for the authorization of travel performed by personnel of the Commission.

2. By the Commission to prepare travel vouchers for submission to the Bureau of Public Debt through E-Gov and to maintain internal control of travel expenses within this agency.

3. To refer, where there is an indication of a violation or potential violation of law, whether civil or criminal in nature, information to the appropriate agency, whether Federal, State or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

4. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed by name or bureau.

Safeguards:

Records are maintained in a locking file cabinet and monitored by the Director of the Office of Budget and Finance.

Retention and disposal:

The records are maintained for six years and are then destroyed by shredding (in

accordance with General Records Schedule 9).

System manager(s) and address:

Director, Office of Budget and Finance, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Individual to whom the record pertains, hotel bills, individual's subsistence record, and Travel Requests (airline or train).

FMC-19

System name:

Financial Disclosure Reports and Other Ethics Program Records.

System location:

Office of the General Counsel, Federal Maritime Commission, 800 North Capitol Street,

6730-01-P

N.W., Washington, DC 20573-0001.

Note: This system is covered by the Office of Government Ethics' government-wide systems notices, OGE/GOVT-1 and OGE/GOVT-2.

FMC-22

System name:

Records Tracking System.

System Classification:

Unclassified.

System location:

Bureau of Enforcement and Director of Field Investigations, Office of Managing Director, Federal Maritime Commission, 800 N. Capitol Street, NW., Washington, DC 20573–0001.

Categories of individuals covered by the system:

Individuals whose names may be found in the system include employees, officers, directors, and owners of ocean common carriers, non-vessel-operating common carriers (NVOCCs), ocean freight forwarders, passenger vessel operators, ports and terminal operators, shippers, consignees, conferences and agreements between ocean common carriers, and other entities associated with any of the foregoing. Included are individuals alleged to have violated one of the statutes or regulations administered by the Federal Maritime Commission, individuals who provided information during an investigation, and others necessary to the full development of an investigation. Not included are attorneys, government officials, Federal Maritime Commission employees, or individuals only incidentally involved in an investigation.

Categories of records in the system:

The Records Tracking System includes records on individuals involved in official investigations conducted by the Director of Field Investigations and the Bureau of Enforcement (BOE), fact finding and formal proceedings instituted by the Federal Maritime Commission, court proceedings, and civil and criminal investigations conducted in association with other

government agencies. Investigations include investigations of alleged violations of the statutes or regulations administered by the Commission, ocean transportation intermediary (NVOCC and ocean freight forwarder) application inquiries, OTI application checks, OTI compliance checks, service contract audits, common carrier audits, passenger vessel audits, special inquiries, BOE correspondence with possible unlicensed or unbonded OTIs, undeveloped leads, intelligence activities, and other matters authorized by the Bureau of Enforcement.

The Records Tracking System includes all files and records of the Bureau, wherever located. The system also includes reports or other information from other government agencies, shipping and commercial records, investigative work product, notes of interviews, documents obtained from any source, schedules of data, investigative plans and directives, disclosures, settlement agreements, and any other records prepared in conjunction with a case including information which tends to explain, interpret, or substantiate any of the above. The system also includes indices of these records, tracking systems, and listings of information otherwise included within the system.

The Records Tracking System also includes reports or extracts of reports derived from databases maintained by other government agencies. The FMC has concluded a Memorandum of Understanding (MOU) with U.S. Customs and Border Protection for access to import data collected within the Automated Customs Environment system (ACE), and has executed a separate MOU with the U.S. Census Bureau with respect to export data collected within the Automated Export System (AES). By agreement, this information is received by BOE for investigative purposes only. Reports or extracts of reports are derived from the ACE and AES databases only to the extent necessary to support the agency's investigations.

The Records Tracking System contains information in electronic and paper media. Information within the system may be stored in files or data bases by specific subject or in general groupings. The information remains within the system through analysis, research, corroboration, field investigation, reporting, and referral within the Commission or to another

government agency. Information remains within the system whether a case is open or closed or the matter becomes inactive. Information also remains within the system when records are retired to storage or are otherwise purged.

Authority for maintenance of the system:

Shipping Act of 1984 (46 U.S.C. 40101 – 41309), Foreign Shipping Practices Act of 1988 (46 U.S.C. 42301 – 42307, Section 19 of the Merchant Marine Act, 1920 (46 U.S.C. 42101 -42109), and Public Law 89-777 (46 U.S.C. 44101 – 44106.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. In the event that a system of records maintained by the FMC to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an FMC decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of license, grant, or other benefit by the requesting agency to the extent that the information is relevant and

necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed as a routine use to either House of Congress, or to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of such joint committee.

6. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

7. A record in this system may be transferred, as a routine use, to the Office of Personnel Management for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

8. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in paper form in filing cabinets and in a Lektriever, Series 80. Statistical data taken from record forms are maintained in a personal computer.

Retrievability:

Information filed by case of subject file. Records pertaining to individuals are accessed by reference to the Bureau of Enforcement's name-relationship index system.

Safeguards:

Records are located in locked metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. The Lektriever files are located in a secured room with access limited to those whose official duties require access. Computer information is safeguarded with an access code. Access to ACE and AES data may be further limited only to certain FMC agency personnel having need to know and other qualifications as specified in a MOU with CBP or the Census Bureau. Files are maintained in buildings that have 24 hour security guards.

Retention and disposal:

Records are retained for 7 years after the end of the calendar year in which the case file actions are concluded; the records are destroyed 12 years after cutoff.

System manager(s) and address:

Director, Bureau of Enforcement, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in

section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Individual shippers, carriers, NVOCCs, ocean freight forwarders, those authorized by the individual to furnish information, trade sources, trade databases including ACE and AES, investigative agencies, investigative personnel and attorneys of the Bureau of Enforcement and other sources of information.

Systems exempted from certain provisions of the Act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties. Information derived from other governmental sources, e.g. Customs and Border Protection and Census Bureau, may be subject to additional exemptions pursuant to their governing statutes.

FMC-24

System name:

Informal Inquiries and Complaints Files-FMC.

Security Classification:

Unclassified.

System location:

Office of Consumer Affairs & Dispute Resolution Services, Federal Maritime
Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Individuals and regulated entities seeking Commission provided alternative dispute
resolution services to resolve regulatory and commercial shipping disputes.

Categories of records in the system:

Copies of complaints and correspondence developed in their resolution complaint
tracking logs; and complaint tracking electronic summary database.

Authority for maintenance of the system:

Executive Order 12160, September 26, 1979.

**Routine uses of records maintained in the system, including categories of users
and the purposes of such uses:**

In addition to those disclosures generally permitted under 5 U.S.C. § 552a(b), the
following may be disclosed as a “routine use” pursuant to 5 U.S.C. § 552a(b)(3):

1. Information may be disclosed to staff in various bureaus and offices to determine
whether a complaint can be resolved.
2. Information may be disclosed to a business entity regulated by the Commission to

determine whether a complaint can be resolved.

3. Information may be disclosed to another agency at the Federal, State, or local level to determine whether a complaint can be resolved.

4. Information may be disclosed to the Commission to provide information on developments or trends in the character of complaints which might suggest policy directions, proposed rules or programs.

5. Information may be disclosed to appropriate agencies entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Physical records are maintained in file folders. Electronic records are maintained within the confines of FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retrievability:

Physical and electronic records are serially numbered and indexed by complainant and respondents.

Safeguards:

Physical records are maintained in an area of restricted accessibility. Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retention and disposal:

Records are maintained by the Federal Maritime Commission for four years and then destroyed. The electronic summary database is permanently maintained.

System manager(s) and address:

Director, Office of Consumer Affairs & Dispute Resolution Services, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Entities who have requested alternative dispute resolution services.

Systems exempted from certain provisions of the Act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempt from the provisions of 5 U.S.C.

552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

FMC-25

System name:

Inspector General File.

System Classification:

Unclassified.

System location:

Office of the Inspector General, Federal Maritime Commission, 800 North Capitol Street, N.W. Washington, DC 20573-0001.

Categories of individuals covered by the system:

Individuals and entities who are or have been the subjects of investigations conducted by the OIG, including present and former FMC employees; consultants, contractors, and subcontractors and their employees; and other individuals and entities doing business with the FMC.

Categories of records in the system:

A. Investigative Case Files

1. Case Index

Selected information from each case file indexed by case file number, and case Title which may include names of subjects of investigations.

2. Hard Copy Files

Case files developed during investigations of known or alleged fraud and abuse and irregularities and violations of laws and regulations. Cases relate to agency personnel and

programs and operations administered by the agency, including contractors and others having a relationship with the agency. Files consist of investigative reports and related documents, such as correspondence, internal staff memoranda, copies of all subpoenas issued during the investigation, affidavits, statements from witnesses, transcripts of testimony taken in the investigation and accompanying exhibits, notes, attachments, and working papers. Files containing information or allegations which are of an investigative nature but do not relate to a specific investigation.

B. Hotline Complaints

1. Hotline Index

Selected information from each hotline complaint file indexed by hotline case number and Title which may include names of subject of hotline complaint.

2. Hard Copy Files

Information obtained from hotline complainants reporting indications of waste, fraud, and mismanagement. Specific information to include name and address of complainant, date complaint received, program area, nature and subject of complaint, and any additional contacts and specific information provided by the complainant. Information on OIG disposition.

Authority for maintenance of the system:

The Inspector General Act of 1978 (5 U.S.C. App. 3), as amended by Pub. L. 100-504; 44 U.S.C. 3101 et seq.; Commission Order No. 113.

Purpose(s):

The records maintained in the system are used by the OIG in furtherance of the responsibilities of the Inspector General, pursuant to the Inspector General Act of 1978, as amended, to conduct and supervise audits and investigations relating to programs and operations of the FMC; to promote economy, efficiency, and effectiveness in the administration of such programs and operations; and to prevent and detect fraud and abuse in such programs and operations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

The records in the system may be used and disseminated to further the purposes described above. The following routine uses apply to the records maintained in this system:

1. A record may be disclosed to an individual, or to a Federal, State, local, or international agency when necessary to further the ends of a legitimate investigation or audit.
2. A record which indicates either by itself or in combination with other information within the agency's possession, a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto, or which indicates a violation or potential violation of a contract, may be disclosed to the appropriate agency, whether Federal, State, local or international, charged with the responsibility of investigating or prosecuting such violation, or of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, or of enforcing the contract.
3. A record may be disclosed to a Federal, State, local or international agency, in response to its request, in connection with the assignment, hiring, or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.
4. A record may be disclosed to a Member of Congress who submits an inquiry on behalf of an individual, when the Member of Congress informs the FMC that the individual to whom the record pertains has authorized the Member of Congress to have access to the record. In such cases, the Member of Congress has no more right to the record than does the individual.
5. A record may be disclosed to the Office of Government Ethics for any purpose

consistent with that Office's mission, including the compilation of statistical data.

6. A record may be disclosed to the U.S. Department of Justice in order to obtain that Department's advice regarding an agency's disclosure obligation under the Freedom of Information Act.

7. A record may be disclosed to the Office of Management and Budget in order to obtain that Office's advice regarding an agency's obligations under the Privacy Act.

8. A record may be disclosed to a grand jury agent pursuant either to a Federal or State grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

9. A record may be disclosed to a "consumer reporting agency" as that term is defined in the Fair Credit Reporting Act and the Federal Claims Collection Act of 1966 in accordance with section 3711(f) of 31 U.S.C. and for the purposes of obtaining information in the course of an investigation or audit.

10. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

The investigative case index and the hotline case index are stored on a hard disk on a

personal computer. The hard copy files are stored in file folders. All records are stored under secured conditions.

Retrievability:

Records in the investigative and hotline case index are retrieved by case Title which may include the name of the subject of an investigation and by case number. Records in the hard copy files are retrieved by case numbers.

Safeguards:

Direct access is limited to authorized staff of the OIG. Additional access within FMC is limited to authorized officials on a need-to-know basis. All records, when not in a possession of an authorized individual are stored in locked cabinets or a locked, standalone, personal computer in a locked room.

Retention and disposal:

1. Files containing information or allegations which are of an investigative nature but do not relate to a specific investigation are retained for seven years.
2. Other investigative case files are retained for ten years.

System manager(s) and address:

Inspector General, Office of the Inspector General, Federal Maritime Commission, Room 1072, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001. However, see Exemption section below.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations. However, see Exemption section

below.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations. However, see Exemption section below.

Record source categories:

Agency employees, reports and contracts from other agencies, and internal and external documents.

Systems exempted from certain provisions of the act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is required to honor promises of confidentiality.

All information meeting the criteria of 5 U.S.C. 552a(j)(2) pertaining to the enforcement of criminal laws is exempt from the provisions of 5 U.S.C. 552a, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

FMC-26

System name:

Administrative Grievance File-FMC.

System Classification:

Unclassified.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Any employee of the Federal Maritime Commission, including any former employee for whom a remedy can be provided.

Categories of records in the system:

Administrative Grievance Files contain all documents related to a particular grievance, including but not limited to any statements of witnesses, records or copies thereof, the report of the hearing when one is held, statements made by the parties to the grievance, and the decision.

Authority for maintenance of the system:

5 U.S.C. 1302, 3301, 3302, 7301, E.O. 9830, 3 CFR 1943-1948 Comp., pp. 606-624; E.O. 11222, 3 CFR 2964-2969 Comp., p. 306.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Information in this system of records is used or may be used:

1. By Commission officials designated as grievance examiners for the purpose of

adjudication, by the Director of EEO in the event of an investigation when the EEO complaint relates to the grievance, or for information concerning the outcome of the grievance.

2. By the Office of Personnel Management in the course of an investigation of a particular employee of the Commission, for statistical analysis purposes, or for program compliance checks.

3. By the Merit Systems Protection Board if necessitated by an appeal.

4. By the appropriate District Court of the United States to render a decision when the Commission has refused to release a current or former employee's record under the Freedom of Information Act.

5. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, information to the appropriate agency, whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rules, regulation or order issued pursuant thereto.

6. To request from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement information, data relevant to a Commission decision concerning the hiring or retention of an employee.

7. To provide or disclose information to a Federal agency in response to its request in connection with the hiring or retention of an employee, to the extent that the information is relevant and necessary to the requesting agency's decision on that matter.

8. By the employee or his/her designated representative in order to gather or provide information necessary to process the grievance.

9. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests,

identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records are maintained in file folders.

Retrievability:

Records are indexed alphabetically by name.

Safeguards:

Records are stored in locked file cabinets.

Retention and disposal:

In accordance with General Records Schedule 1, the Administrative Grievance File is destroyed 4 years after case is closed.

System manager(s) and address:

Director of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

Information is supplied by the individual to whom the record pertains and/or by his or her representative, human resource specialists, grievance examiners, and any parties providing information bearing directly on the grievance.

Systems exempted from certain provisions of the Act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

All information about individuals that meets the criteria of 5 U.S.C. 552a(k)(5), regarding suitability, eligibility or qualifications for Federal civilian employment or for access to classified information, to the extent that disclosure would reveal the identity of a source who furnished information to the Commission under a promise of confidentiality is exempt from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is required to honor promises of confidentiality.

FMC-28

System name:

Equal Employment Opportunity Complaint Files-FMC.

System location:

Office of General Counsel, Federal Maritime Commission, 800 N. Capitol Street, N.W.,
Washington, DC 20573-0001.

Note: This system of records is covered by the Equal Employment Opportunity
Commission's Government-wide system notice, EEOC/GOVT-1.

FMC-29

System name:

Employee Performance File System Records-FMC.

System location:

Office of Human Resources, Federal Maritime Commission, 800 North Capitol Street,
N.W., Washington, DC 20573-0001.

This system of records is covered by the Office of Personnel Management's
Government-wide system notice, OPM/GOVT-2.

FMC-31

System name:

Debt Collection Files.

Security Classification:

Unclassified.

System location:

Records are located in the Office of Budget and Finance, Federal Maritime Commission,
800 North Capitol Street, NW, Washington, D.C. 20573.

Categories of individuals covered by the system:

Individuals who are indebted to FMC.

Categories of records in the system:

The Debt Collection Officer's file will contain copies of debt collection letters, bills for collection, and correspondence to and from the debtor relating to the debt. The file will include such information as the name and address of the debtor, taxpayer's identification number (which may be the Social Security Number); amount of debt or delinquent amount; basis of debt; date debt arose; office/bureau referring debt to the Debt Collection Officer; record of each collection made; credit report; financial statement reflecting the net worth of the debtor; date by which debt must be referred to the Department of the Treasury for further collection action; and citation or basis on which debt was terminated or compromised.

Authority for maintenance of the system:

31 U.S.C. 3701 et seq., Debt Collection Act of 1982 (Pub. L. 97-365, 96 Stat. 1749) as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134, 101 Stat. 1321-358).

Purpose(s):

Information is used for the purpose of collecting monies owed FMC arising out of any administrative or program activities or services administered by FMC. The Debt Collection Officer's file represents the basis for the debt and amount of debt and actions taken by FMC to collect the monies owed under the debt. The credit report or financial statement provides an understanding of the individual's financial condition with respect to requests for deferment of payment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. When debts are uncollectible, copies of the FMC Debt Collection Officer's file regarding the debt and actions taken to attempt to collect the monies are forwarded to the Department of Treasury for further collection action. FMC may also provide Treasury with copies of the debt collection letter, bill for collection, and FMC correspondence to the debtor.

2. Disclosure pursuant to 5 U.S.C. 552a(b)(12).

3. Disclosures may be made from this system to “consumer reporting agencies” as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

4. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency’s efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Physical records are maintained in notebooks, file folders, and on lists and forms. Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS).

Retrievability:

The system files are filed by bill for collection number, name, or taxpayer’s identification number (which may be the Social Security Number).

Safeguards:

Physical records are maintained in locked containers and/or room in areas accessible only to authorized personnel. Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS). All records are maintained in areas that are secured by

building guards during non-business hours.

Retention and disposal:

In accordance with General Records Schedule 6, the records are maintained for 6 years and 3 months and then shredded.

System manager(s) and address:

Director, Office of Budget and Finance, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, D.C. 20573.

Notification procedure:

Individuals wishing to inquire whether this system of records contains information about themselves should contact the system manager identified above. Written requests should be clearly marked "Privacy Act Request" on the envelope and letter. Requests should include full name of the individual, some type of appropriate personal identification, and current address.

For personal visits, the individuals should be able to provide some acceptable identification – that is, driver's license, employing organization identification card, or other picture identification card.

Record access procedures:

Same as Notification procedures above.

Contesting record procedures:

Same as Notification procedures above. The letter should state clearly and concisely what information is being contested, the reason for contesting it, and the proposed amendment to the information sought.

FMC Privacy Act Regulations are promulgated in 46 CFR part 503.

Record source categories:

Directly from the debtor, the initial application, credit report from the commercial credit bureau, administrative or program offices within FMC.

FMC- 32

System Name:

Regulated Persons Index ("RPI").

Security Classification:

Unclassified.

System Location:

Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Categories of individuals covered by the system:

Records are maintained on persons, which may include passenger vessel operators, vessel-operating common carriers, marine terminal operators, sole proprietorships, association or agreement of persons, financial institutions, third party filers, practitioners before the Commission, ocean freight forwarders, non-vessel-operating common carriers, members of partnerships, and officers and owners of corporate licensees, managers/members and owners of limited liability companies, ex-licensees, and applicants for licenses.

Categories of records in the system:

The system contains names, addresses, phone/fax numbers of regulated entities and, where applicable, tax payer identification numbers (which may be Social Security Numbers), or names, addresses, and Social Security Numbers (or alternatively, driver's license numbers, passport, visa, or alien registration numbers) of the stockholders, officers, managers/members, and directors of individual ocean transportation intermediaries (OTIs); financial responsibility information including name of financial institutions, instrument identification numbers and amount of instruments; and, internal processing and licenses information pertinent to OTIs. Under the Shipping Act of 1984, OTIs may operate as an ocean freight forwarder, a non-vessel-operating common carrier, or both.

Authority for maintenance of the system:

5 U.S.C. 553; secs. 3, 8, 10, 11, 13, 15, 17 and 19, Shipping Act of 1984 (recodified October 2006 as 46 U.S.C. 305, 40102, 40104, 40501-40503, 40901-40904, 41101-41109, 41302-41303, and 41305), 46 App. U.S.C. 1704 (recodified as 46 U.S.C. 40302-40303), 46 App. U.S.C. 1707 (recodified as 46 U.S.C. 40501-40503), 46 App. U.S.C. 817(d) and (e) (recodified 46 U.S.C. 44101-44106), 46 CFR 502.27, 46 CFR 520.3(d).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records and information contained in these records may be disclosed as follows:

1. By the Commission staff for monitoring the activities of regulated entities to ensure they are in compliance with Commission regulations.
2. By Commission staff for evaluation of applicants for licensing and certificates.
3. To provide or update information maintained in the U.S. Customs and Border Protection's (CBP) Automated Commercial Environment/International Trade Data System (ACE/ITDS) to verify licensed or registered status of OTIs under the Trade Act of 2002 and related CBP requirements (or any other successor agency or organization) and to verify that passenger vessels with 50 or more passenger berths embarking passengers from U.S. ports have valid certificates.
4. Selected data reports containing names, addresses, phone/fax numbers are available to the public on the Commission's website while more detailed reports are available for a fee.
5. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons

is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Electronic records are maintained within the confines of FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retrievability:

Records are indexed by name, organization number, or license number.

Safeguards:

Electronic records are secured in accordance with FMC-39, FMC General Support System (FMC GSS) and FMC-41, FMC SQL Database (FMCDB).

Retention and disposal:

In accordance with the Federal Maritime Commission Records Disposition Schedule (Revised June 2010) data cutoff is at the end of the calendar year in which an entity ceases to exist or offer services regulated by the Commission, and are destroyed 25 years after the cutoff.

System manager(s) and address:

Director, Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Request may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefore, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

1. Information submitted by applicants, licensees, certificants, practitioners, third party filers, vessel-operating common carriers, marine terminal operators, financial entities including surety companies.
2. OTI license status information.
3. Information submitted by Commission Area Representatives.
4. Information obtained through Internet web site searches and selected commercial and government database searches conducted by BCL staff in processing OTI and PVO applications (e.g., Accurant and Dun & Bradstreet).
5. Information submitted by the general public (e.g. through comments or complaints).
6. Information submitted by surety companies.

Systems exempted from certain provisions of the Act:

All information that meets the criteria of 5 U.S.C. 552a(k)(2) regarding investigatory materials compiled for law enforcement purposes is exempted from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). Exemption is appropriate to avoid compromise of ongoing investigations, disclosure of the identity of confidential sources and unwarranted invasions of personal privacy of third parties.

System name:

Payroll/Personnel System.

System classification:

Unclassified.

System location:

Hard copies of personnel records and payroll transactions and reports are located at the Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Electronic data are located at the U.S. Department of Agriculture, National Finance Center, New Orleans, LA 70129. The electronic records are subject to the Office of Personnel Management's government-wide system notice, OPM/GOVT-1.

Categories of individuals covered by the system:

Current and former employees of the Federal Maritime Commission.

Categories of records in the system:

All official personnel actions and/or payroll transaction information on Commission employees.

Authority for maintenance of the system:

5 U.S.C. 301, 2302(b)(20)(B), 2302(b)(10), 7311, 7313; Executive Order 10450; 5 CFR 731.103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program state, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a "routine use," to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a “routine use”:

1. To a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract or the issuance of a license grant or other benefit.

2. To a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

3. To the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services Federal Parent Locator Service (FPLS) and Federal Tax Offset System for use in locating individuals and identifying their income sources to establish paternity, establish and modify orders of support and for enforcement action.

4. To the Office of Child Support Enforcement for release to the Social Security Administration for verifying Social Security Numbers in connection with the operation of the FPLS by the Office of Child Support Enforcement.

5. To the Office of Child Support Enforcement for release to the Department of Treasury for purposes of administering the Earned Income Tax Credit Program (Section 32, Internal Revenue Code of 1986) and verifying a claim with respect to employment in a tax return.

6. To an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of Federal personnel

management.

7. To officers and employees of a Federal agency for purposes of audit.
8. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the request of the individual about whom the record is maintained.
9. To officers and employees of the National Finance Center in connection with administrative services provided to this agency under agreement with NFC.
10. To GAO for audit; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.
11. To the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, or the Federal Labor Relations Authority, in connection with functions vested in those agencies.
12. To the Office of Management and Budget in connection with private relief legislation.
13. In litigation before a court or in an administrative proceeding being conducted by a Federal agency.
14. To the National Archives and Records Administration for records management inspections.
15. To Federal agencies as a data source for management information through the production of summary descriptive statistics and analytical studies in support of the functions for which the records are maintained for related studies.
16. To appropriate agencies, entities, and persons when (a) the Federal Maritime Commission suspects or has confirmed that the security or confidentiality of information in the system of records has been compromised; (b) the agency has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by the agency or another agency or entity) that rely upon the

compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the agency's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the state, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the state, city or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, and 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both. Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished to the city in response to written request from an appropriate city official to the Secretary at the above address.

In the absence of a withholding agreement, the Social Security Number will be furnished only to a taxing jurisdiction which has furnished this agency with evidence of its independent authority to compel disclosure of the Social Security Number, in accordance with section 7 of the Privacy Act, Pub. L. 93-579.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper records are stored in Official Personnel Folders and payroll files at the FMC. Electronic records reside at the National Finance Center.

Retrievability:

Hard copy records are retrievable by name. Electronic data can be retrieved by Social Security Number.

Safeguards:

Electronic records are stored at the National Finance Center, which is located in a secured Federal complex with controlled access. Access to data is limited to those individuals to whom NFC has granted access/security. Output documents from the system are maintained as hard copy documents by the FMC's Office of Human Resources in secured cabinets located within a secured room.

Retention and disposal:

Disposition of records shall be in accordance with General Records Schedule 2.

System manager(s) and address:

Director of Human Resources, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Notification procedure:

All inquiries regarding this system of records should be addressed to: Secretary, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

Record access procedures:

Requests for access to a record should be directed to the Secretary listed at the above address. Requests may be in person or by mail and shall meet the requirements set out in section 503.65 of Title 46 of the Code of Federal Regulations.

Contesting record procedures:

An individual desiring to amend a record shall direct such a request to the Secretary at the above listed address. Such requests shall specify the desired amendments and the reasons therefor, and shall meet the requirements of section 503.66 of Title 46 of the Code of Federal Regulations.

Record source categories:

The subject individual; the Commission.

FMC- 34

System name:

Travel Charge Card Program-FMC.

System location:

Office of Budget and Finance, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

This system is covered by the General Services Administration's government-wide system notice, GSA/GOVT-3.

FMC- 35

System name:

Transit Benefits File-FMC.

System location:

Office of Management Services, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

This system is covered by the Department of Transportation's government-wide system notice, DOT/ALL-8.

FMC-36

System name:

SmartPay Purchase Charge Card Program-FMC.

System location:

Office of Management Services, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, DC 20573-0001.

This system is covered by the General Services Administration's government-wide system notice, GSA/GOVT-6.

By the Commission.

Karen V. Gregory,
Secretary.

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